

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2368

IN THE MATTER OF:

Served September 14, 1982

Investigation to Determine the)
Nature of Uncertificated)
Operations, if any, by DAVID E.)
KLINGAMAN and BANNER SIGHTSEEING)
COMPANY, Between Points in the)
Metropolitan District)

Case No. MP-82-11

Pursuant to the Compact, Title II, Article XII, Section 13(b) "[t]he Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act"

The Commission has received credible information from the National Park Service-Central District concerning operations of David E. Klingaman in conjunction with or doing business as Banner Sightseeing Company which, if true, would be violative of the Compact, Title II, Article XII, Sections 4(a) and 5(d). The statement of information provided to the Commission asserts that Mr. Klingaman was operating an unmarked van used to transport 10 passengers between various points of interest in Washington, D. C., including the White House, the Washington Monument and Ford's Theatre. The statement further asserts that a passenger stated that the tour originated at his motel in Rockville, Md. The passenger carried a receipt for the tour bearing the name Banner Sightseeing Co.

A perusal of the C & P Telephone Yellow Pages for the Maryland suburbs under "Sightseeing Tours" shows an entry for Banner Sightseeing Company at Silver Spring, Md.

In order to determine whether violations of the Compact have occurred, the Commission concludes that there appear to be reasonable grounds for instituting an investigation into the matters recited above. Mr. Klingaman and Banner Sightseeing Co. will be directed to produce books, papers, correspondence, contracts and any other records which are relevant to the investigation, pursuant to Compact, Title II, Article XII, Section 10(a) and (d). Mr. Klingaman and Banner Sightseeing Co. will also be assessed an amount preliminarily estimated

to cover the costs of the investigation as set forth in Title II, Article XII, Section 19(a) of the Compact. Mr. Klingaman and Banner Sightseeing Co. have the right to be represented by an attorney as provided by Commission Rule No. 3-02.

THEREFORE, IT IS ORDERED:

1. That an investigation of the matters set forth above is hereby instituted.
2. That David E. Klingaman and Banner Sightseeing Co. are hereby made parties respondent to this proceeding.
3. That the above-docketed matter is hereby scheduled for public hearing to commence Monday, October 25, 1982, at 10:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.
4. That David E. Klingaman and Banner Sightseeing Co. are hereby directed to produce for inspection and photocopying any and all books, papers, correspondence, contracts and account records in their possession or under their control for the period March 1, 1982, through August 31, 1982, relating to the alleged activities set forth above at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 10:00 a.m., Tuesday, October 5, 1982.
5. That David E. Klingaman and Banner Sightseeing Co. are hereby assessed \$300 pursuant to Title II, Article XII, Section 19(a) of the Compact, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C., no later than 10:00 a.m., Tuesday, October 5, 1982.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director